

## **ORDINANCE NO. 2292**

AN ORDINANCE REGULATING TRAFFIC UPON THE STREETS, ALLEYS AND HIGHWAYS OF THE CITY OF GARDNER, KANSAS; INCORPORATING BY REFERENCE THE "2008 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO, PREPARED AND PUBLISHED IN BOOKLET FORM BY THE LEAGUE OF KANSAS MUNICIPALITIES; AMENDING TITLE 10, CHAPTER 10.05 OF THE CITY OF GARDNER, KANSAS MUNICIPAL CODE, 2008 EDITION, WITH CERTAIN DELETIONS, OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NO. 2250, UNDER THE PROVISIONS OF K.S.A. 12-3009 THROUGH 12-3012 AND K.S.A. 12-3301 AND 12-3302.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS;

SECTION ONE: That certain standard code known as the "2008 Standard Traffic Ordinance for Kansas Cities", prepared and published by the League of Kansas Municipalities, 300 S. W. Eighth, Topeka, Kansas 66603, is hereby incorporated by reference herein and made a part of this Ordinance, including supplements and amendments thereto, save and except such portions as may hereinafter be deleted, added, or amended, as authorized and in the manner prescribed by the Statutes of the State of Kansas.

SECTION TWO: That Ordinance 2250 be repealed and Section 14 replaced with the following:

### **CHAPTER 10.05            Standard Traffic Ordinance**

10.05.010    STANDARD TRAFFIC ORDINANCE            The certain standard code known as the "2008 Standard Traffic Ordinance for Kansas Cities", prepared and published by the League of Kansas Municipalities, 300 S. W. Eighth, Topeka, Kansas 66603, is hereby incorporated by reference herein and made a part of this chapter, including supplements and amendments thereto, save and except such portions as are hereinafter be deleted, added, or amended by this chapter. (K.S.A. 12-3009 through 12-3012, 12-3301 and 12-3302)

10.05.02            MARKED COPIES OF STANDARD CODE ON FILE.    No fewer than three copies of the standard code shall be marked or stamped "Official Copy as Incorporated by Ordinance No. 2292". All sections or portions of the filed copies of the standard code shall be clearly marked to show deletions from the standard code. Any additions shall be clearly described to show such addition to said standard code and a copy of the Ordinance shall be open to inspection and available to the public at all reasonable business hours. The Department of Public Safety, Municipal Court Judge and all administrative departments of the City charged with the enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of said standard code, similarly marked, deleted and changed, as may be deemed expedient.

### **CHAPTER 10.10            Local Traffic Regulations**

10.10.010            AMENDMENTS TO STANDARD TRAFFIC ORDINANCE – PENALTIES.  
The Governing Body of the City of Gardner, Kansas, on the basis of an engineering and traffic investigation conducted by the Department of Public Safety of the City of Gardner, Kansas, and adopted by the Governing Body of the City of Gardner, Kansas, pursuant to its authority under K.S.A. 8-1560, K.S.A. 8-2002 and all acts supplemental and amendatory thereto hereby deems it advisable to add Section 29.1, add Section 85.1, and amend Section 33(a), and add 106 (a) (4) of said standard code adopted in GMC 10.05.010 to read as follows:

A. SECTION 29.1. CARELESS DRIVING

- (a) Any person who shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others or in such manner as to endanger or to be likely to endanger any personal property, is guilty of careless driving.
- (b) This offense shall be considered a traffic infraction.

B. SECTION 33. MAXIMUM SPEED LIMITS

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be the maximum lawful speeds, and no persons shall drive a vehicle at a speed in excess of such maximum limits.
  - 1. 25 miles per hour on any street or highway unless posted otherwise;
  - 2. 20 miles per hour in any park unless posted otherwise; and
  - 3. School zones shall have reduced limits as posted while school is in session.Whenever it is determined on the basis on an engineering and traffic investigation that any speed limit posted is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare and determine a reasonable and safe speed limit and cause appropriate signs to be erected.

C. SECTION 85.1. PARKING IN CERTAIN DESIGNATED AREAS PROHIBITED.

- (a) No person shall park, stop, or operate a motor vehicle in or on any private or public parking area or lot that is posted with notice of prohibited parking signs posted as provided herein.
- (b) The provisions of this section shall not be applicable to any parking lot or area unless the following signage is clearly and properly posted at all entrances to said parking areas or lots, to-wit:

NOTICE

*Pursuant to City of Gardner Standard Traffic Ordinance Section 85.1, no parking, stopping, or operation of a motor vehicle is permitted in this parking area or lot during the hours of \_\_\_\_\_ to \_\_\_\_\_. Conviction of a violation of this section shall result in a minimum fine of \$100.00.*

- (c) The provisions of this section shall not apply to individuals conducting business or working on the premises of building served by the posted parking areas or lots.
- (d) Upon conviction of a first offense of this section, the defendant shall be fined not less than \$100.00 nor more than \$1,000.00. Upon conviction for a second offense, within any given twelve-month period, the defendant shall be fined not less than \$250.00 and not more than \$1,000.00. Upon conviction of a third offense of this section during any twenty-four month period, the defendant shall be fined not less than \$500.00 nor more than \$1,000.00. No portion of any minimum fine assessed pursuant to this section shall be suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

D. SECTION 106. TRANSPORTATION OF ALCOHOLIC BEVERAGE

- (a) (4) Placed behind the last upright seat or in an area not normally occupied by the driver, or passenger, if a motor vehicle does not have a trunk.

10.10.020 INVALIDITY IN PART. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Chapter.

10.10.030 PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10.00 not more than \$2,500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$2,500.00.

10.10.040 CONFLICTING ORDINANCES. Where this chapter conflicts with any other state or federal ordinance, statute, or regulation, the most restrictive ordinance, statute, or regulation shall apply. All local ordinances, or parts of local ordinances, in conflict herewith be and the same are hereby repealed.

SECTION THREE: This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 20<sup>th</sup> day of October, 2008.

/s/ Carol Lehman  
Carol Lehman, Mayor

ATTEST:

/s/ Teresa Anderson  
Teresa Anderson, City Clerk

(SEAL)